



Date: November 14, 2018

To: Department of Transportation
Division of procurement and Contracts
1727 30th Street, MS-65
Sacramento, CA 95816

Attn: Caltrans Protest Unit
Bld, Protest, & Dispute Branch Chief
Fx. 916-227-1950 Ph.916-227-6096

To: Department of General Services
Office of Legal Services
707 Third Street, 7th Floor
West Sacramento, CA 95605

Attn: Protest Coordinator
Fx. 916-376-5088 Ph. 916-376-5080

To: Department of Transportation
Division of Engineering Services
1727 30th Street, MS-43
Sacramento, CA 95816

Attn: Office Engineer
Fx. 916-227-6282 Ph. 916-227-6299

Re: State of California, Department of Transportation, Invitation to Bid # 03-4F8404,
Construction on State Highway in El Dorado County In Meyers at the Junction of
Route 50 and 89 South

Subject: **Notice of Protest Prior to Award of Contract Bid #03-4F8404**

Dear Bid Protest Coordinator:

Martin Brothers Construction who was the lowest responsible bidder on the above bid hereby protests the award of this project to Q&D Construction, Inc., as their bid does not comply with Caltrans Subcontractor listing requirements.

8801 Folsom Blvd, Suite 260
Sacramento, CA 95826
Phone 916-381-0911 | Direct 916-642-1225 | Fax 916-381-0611
Contractors License No. 726454

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Q and D has several Subcontractor listings showing performance on items at less than 100% including Statewide Traffic Safety and Signs and Marina Landscape.

This applies to items 1, 3, 4, 16, 18, 19, 21, 23-25, 30, 48, 51, and items 81 thru 93.

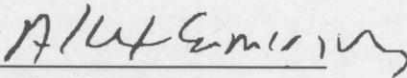
There is ample precedent from Caltrans that this is a failure to properly complete the Subcontractor List form that is required per the 2015 Revised Standard Specification Section 2-1.10. Per the bidding instructions, if the percentage listed on the Bid Item list is less than 100 percent, the bidder must provide a description of the actual work being performed, not a reiteration of the bid item description. Without this information, Caltrans is unable to determine what work the Subcontractor will be performing.

On another point, Q & D, Inc. listed two Subcontractors for the same item of work. This applies to bid item #1, Lead Compliance Plan, where Q & D listed both A&M Consulting (at 100%) and Nevada Barricade (at 67%) for the work. Q & D responded post bid that this was a clerical error. How is it decided whether the number in question is significant or insignificant? Can the same clerical error concept be used throughout the bid documents to change numbers post bid in what is supposed to be a complete and competitive bid? Also note, that Q & D in their "Clerical Error" letter dated November 8th, changed Nevada Barricade's participation percentage from 67% to 100 %. This changes their contention of a clerical duplication mistake to one of intent and therefore subjective interpretation.

Our experience is Caltrans adheres to a precise interpretation of bid documents and any other interpretation would be subjective and not within the strict guidelines to which Caltrans adheres.

Martin Brothers requests Caltrans reject the Q&D, Inc. bid for the above reasons and award the contract to Martin Brothers Construction, the lowest responsible bidder on this project.

Respectfully Submitted,
Martin Brothers Construction


By: Alex Emerson